

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA <i>ex rel.</i>)	
JEFFREY H. LIEBMAN and DAVID M.)	
STERN, M.D.,)	Civil Case No.: 3:17-cv-00902
)	
Plaintiff-Relators,)	District Judge William L.
)	Campbell, Jr.
v.)	
)	Magistrate Judge Barbara D.
METHODIST LE BONHEUR HEALTHCARE)	Holmes
and METHODIST HEALTHCARE-MEMPHIS)	
HOSPITALS,)	
)	
Defendants.)	

**JOINT MOTION TO REINSTATE DISCOVERY MOTIONS
AND FOR DISCOVERY CONFERENCE**

On October 14, 2022, Judge Campbell issued an Order staying this matter and administratively closing the case. (Dkt. No. 279.) Also on October 14, 2022, Magistrate Judge Holmes issued an Order denying without prejudice pending discovery motions, subject to refileing the motions if the case is reopened.¹ (Dkt. No. 280.) On December 2, 2022, Judge Campbell issued an order lifting the stay in this matter and reopening the case. (Dkt. No. 289.)

The United States and Defendants Methodist Le Bonheur Healthcare and Methodist Healthcare – Memphis Hospitals (collectively, “Methodist”) submit this Joint Motion to reinstate the previously pending motions and for a discovery conference with the Court relating to the discovery disputes addressed therein, including: (i) whether Methodist may withhold as privileged

¹ The United States also sought an extension of the expert discovery deadlines in light of the pending fact discovery disputes (Dkt. No. 277), which Methodist opposed and to which it had not responded when the stay was issued. The parties recognize that the Court will need to enter a new Case Management Order, which necessarily will address expert discovery.

certain communications and documents that were sent to or from Methodist's outside consultants and appraisers, as well as communications relating to fair market value opinions on which Methodist purports to rely in defending the allegations in this action (Dkt. No. 266); (ii) the United States' responses to certain of Methodist's discovery requests (Dkt. No. 270); (iii) the United States' objections to Topic Nos. 1, 4, 5 and 6 of Methodist's Notice of Fed. R. Civ. P. 30(b)(6) Deposition to the United States (Dkt. No. 272); (iv) Methodist's assertion of privilege over certain communications involving senior management for The West Clinic, P.C. ("West"), who also were leased to Methodist (Dkt. No. 272); and (v) whether the United States may exceed the ten-deposition limit to depose a corporate representative of West² and to extend the September 23, 2022 fact discovery deadline to also depose two non-party witnesses (Dkt. No. 272). The parties' respective positions on those disputes are set forth in the Joint Discovery Dispute Statements filed simultaneously with the Joint Motions for Discovery Conferences. (Dkt. Nos. 257, 265, 271, 273.)

Dated: December 6, 2022

Respectfully submitted,

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² That deposition was the subject of a motion to quash previously pending before the Court prior to the close of fact discovery. (Dkt. No. 268.)

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served on the following counsel via the Court's CM/ECF email notification system on this the 6th day of December, 2022:

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